

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
Tonja Clark	:	Chapter 13
Debtor(s)	:	Case No.: 21-11881-ELF

OBJECTION TO PROOF OF CLAIM #3-1
OF LVNV FUNDING, LLC.

Debtor, Tonja Clark, by attorney Brad J. Sadek, hereby objects to the Proof of Claim No. 7-1 filed on behalf of LVNV Funding, LLC. (hereafter “Creditor), and in support thereof avers the following:

1. Debtor filed a Chapter 13 Bankruptcy Petition on July 2, 2021.
2. Creditor filed an unsecured Proof of Claim (#7-1) on August 17, 2021 in the amount of \$646.97. See Exhibit “A.”
3. Attached to the Proof of Claim was a judgment in favor of the Creditor, and against Tonja Clark in the amount of \$646.97.
4. 42 Pa. Consol. Stat. § 1124 states that “Judgment recovered in the Philadelphia Municipal Court shall be a lien upon property in the same manner and to the same extent that judgment recovered in the Court of Common Pleas of Philadelphia County is a lien. All such judgments shall be indexed in the judgment index or indices of Philadelphia County in the same manner as judgments of the court of common pleas are indexed.”
5. The Debtor is the owner of real property at 1937 Dudley Street Philadelphia, PA 19145.
6. By virtue of the Creditor having a judgment against the Debtor and the Debtor owning real property, the Creditor’s claim is secured by said property.

7. Since the debt is secured, a secured Proof of Claim should have been filed in this matter by the Creditor.

8. The Debtor wishes to pay this claim through the bankruptcy so that it does not become an issue should she wish to sell the property in the future.

WHEREFORE, Debtor, Tonja Clark, by and through the undersigned counsel, respectfully requests this Honorable Court to enter an Order declaring that Proof of Claim #7-1 of LVNV Funding, LLC is a secured claim.

Dated: December 20, 2021

/s/ Brad J. Sadek, Esq.

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